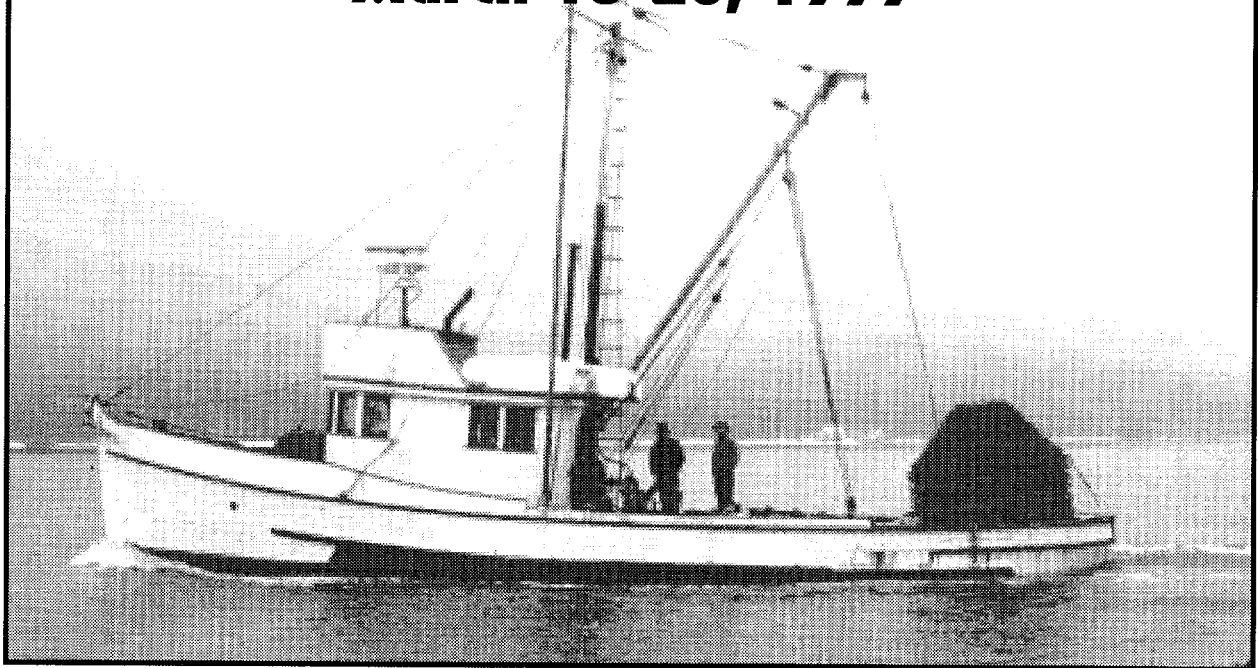


**Staff Comments on
King & Tanner Crab Proposals
311-337, 357, & 358**

**Region I
Southeast & Yakutat**

**Alaska Board of Fisheries Meeting
Anchorage, Alaska
March 18-26, 1999**



These staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, scheduled for March 18-26, 1999, in Anchorage, Alaska. The comments are designed to assist the public and board. The stated staff comments should be considered preliminary and subject to change as new information becomes available.

STAFF COMMENTS ON SHELLFISH PROPOSALS
FOR THE ALASKA BOARD OF FISHERIES MEETING



ANCHORAGE, ALASKA
MARCH 18-26, 1999

Regional Information Report¹ No. 1J99-09

March 1999

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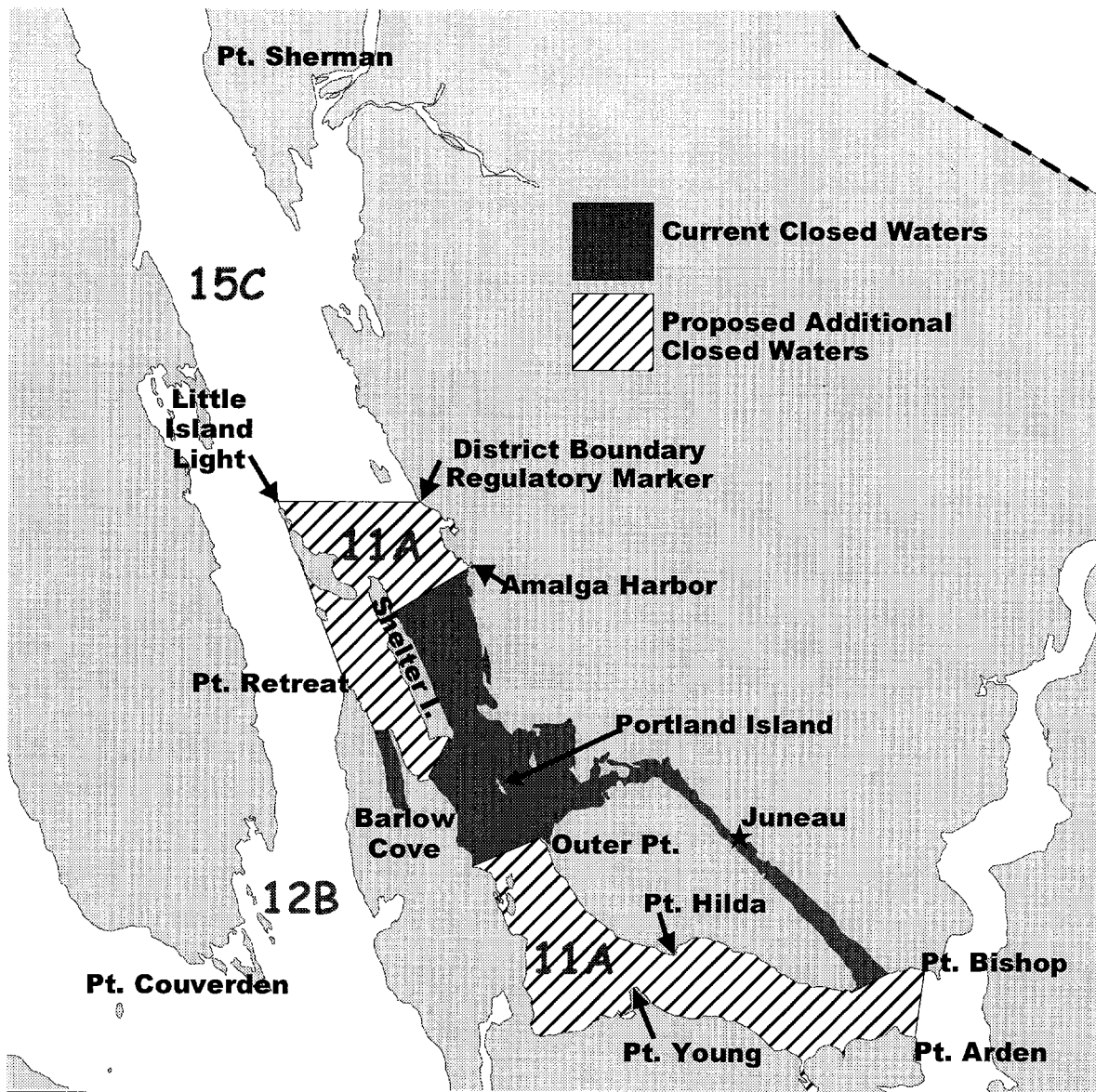


Figure 1. Proposals 311-316. Extend commercial red king crab closed waters to all of Section 11-A.

PROPOSAL 311, PAGE 243: 5 AAC 34.111. SECTION 11-A, RED AND BLUE KING CRAB MANAGEMENT AND ALLOCATION PLAN.

WHAT WOULD THIS PROPOSAL DO? Close the entire area of Section 11-A to commercial harvest of red and blue king crab and allocate all of the harvest to the personal use fishery so that 80% of the harvestable surplus is taken in the summer fishery, and 20% in the winter.

WHAT ARE THE CURRENT REGULATIONS? Section 11-A is open to both commercial and personal use fishing according to guidelines developed by the Board in 1995 for allocation of the harvestable surplus:

- 46% to the summer personal use fishery (July 1 – September 30);
- 9% to the winter personal use fishery (October 1 – March 31);
- 45% to the commercial fishery;
- No increase in personal use allocation if the commercial season is not opened.
- The central portion of Section 11-A is closed to commercial red and blue king crab fishing (Figure 1).

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED?

- Closure of the commercial fishery in all of Section 11-A
- Approximately double the prior percentages of the harvestable surplus would be available to personal use harvests.

BACKGROUND:

- The Board heard testimony on king crab allocation at the October 1995 meeting in Juneau. The allocation framework has been in effect since July, 1996.
- Harvestable surplus is calculated as a percentage of the available population of mature male crab based on an annual stock assessment survey; hence, the allowable catch is adjusted each year to meet conservation goals, based on the previous year's survey.
- Eleven commercial permits fished in 1996/97 in section 11-A, and 12 in 1997/98 (Table 1).
- The commercial catch in the 1996/97 and 1997/98 seasons in Section 11-A was below the commercial allocation by 19% and 17%, respectively (Table 4). These commercial seasons were pre-announced to close 3 days early in 11-A relative to other areas in an effort to not exceed the allocation. In hindsight, these early closures were conservative and reflect the imprecision of inseason management for this fast-paced fishery.
- There were 2,119 individual personal use permits issued in 1996/97 (70% of these were for the summer), 1,452 were issued for the joint summer and winter season in 1997/98, and 1,532 household permits have been issued for the 1998/99 combined summer and winter season (will close by regulation March 31) (Table 3).
- The personal use fishery was closed early in both summer and winter periods of the 1996/97 and 1997/98 seasons when catch estimates obtained through creel and phone surveys indicated that harvests were exceeding the allocations (Table 2). By the end of those two seasons, the personal use catches exceeded the allocations by 33% and 17%, respectively (Table 4). The personal use fishery has proven difficult to manage to meet the allocation goal of allowing the fishery to remain open all season. This imprecision in management is due in part to the large number of participants and difficulties in analyzing catch data on a timely basis.
- The personal use catch has averaged 69% of the total catch in section 11-A in the past 5 years (Table 1).

- The commercial catch in 11-A has averaged 7% of the total Southeast red and blue king crab catch (Table 1).
- The 1998/99 commercial season in Southeast was not opened because the estimated harvestable surplus in the region did not meet the minimum 300,000 pounds, per regulation 5 AAC 34.113(c).

DEPARTMENT COMMENTS: Because this proposal aims to allocate available harvest the Department neither supports or opposes it.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 312, PAGE 244: 5 AAC 34.111. SECTION 11-A RED AND BLUE KING CRAB MANAGEMENT AND ALLOCATION PLAN.

WHAT WOULD THIS PROPOSAL DO? Close section 11-A to commercial harvest of red and blue king crab, and reduce the personal use harvest.

WHAT ARE THE CURRENT REGULATIONS? Section 11-A is open to both commercial and personal use fishing according to guidelines developed by the Board in 1995 for allocation of the harvestable surplus:

- 46% to the personal use fishery July 1 – September 30;
- 9% to the personal use fishery October 1 – March 31;
- 45% to the commercial fishery;
- No increase in personal use allocation if the commercial season is not opened.
- The central portion of Section 11-A is closed to commercial red and blue king crab fishing (Figure 1).

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Closure of the commercial fishery and an unspecified reduction in personal use harvests.

BACKGROUND:

- The Board heard testimony on king crab allocation at the October 1995 meeting in Juneau. The allocation framework has been in effect since July, 1996.
- Harvestable surplus is calculated as a percentage of the available population of mature male crab based on an annual stock assessment survey; hence, the allowable catch is adjusted each year to meet conservation goals.
- Eleven commercial permits fished in 1996/97 in section 11-A, and 12 in 1997/98 (Table 1).
- The commercial catch in the 1996/97 and 1997/98 seasons in Section 11-A was below the commercial allocation by 19% and 17%, respectively (Table 4). These commercial seasons were pre-announced to close 3 days early in 11-A relative to other areas in an effort to not exceed the allocation. In hindsight, these early closures were conservative and reflect the imprecision of inseason management for this fast-paced fishery.
- There were 2,119 individual personal use permits issued in 1996/97 (70% of these were for the summer), 1,452 were issued for the joint summer and winter season in 1997/98, and 1,532 household permits have been issued for the 1998/99 combined summer and winter season (will close by regulation March 31) (Table 3).
- The personal use fishery was closed early in both summer and winter periods of the 1996/97 and

1997/98 seasons when catch estimates obtained through creel and phone surveys indicated that harvests were exceeding the allocations (Table 2). By the end of those two seasons, the personal use catches exceeded the allocations by 33% and 17%, respectively (Table 4). The personal use fishery has proven difficult to manage to meet the allocation goal of allowing the fishery to remain open all season. This imprecision in management is due in part to the large number of participants and difficulties in obtaining reliable catch data.

- The personal use catch has averaged 69% of the total catch in section 11-A in the past 5 years (Table 1).
- The commercial catch in 11-A has averaged 7% of the total Southeast red and blue king crab catch (Table 1).
- The 1998/99 commercial season in Southeast was not opened because the estimated harvestable surplus in the region did not meet the minimum 300,000 pounds, per regulation 5 AAC 34.113(c).

DEPARTMENT COMMENTS:

- In part this proposal seeks to eliminate commercial fishing in Section 11A and because this is an allocative issue, the department neither supports nor oppose it.
- It is not clear what level of reduction is being proposed in the personal use fishery to stop the perceived decline in red king crab abundance. However, available data does not indicate a decline in abundance. The present management plan and availability of annual stock assessment survey data are largely sufficient to assure conservation of the resource. One element missing from the plan is a threshold below which the personal use fishery should be closed, as is in place for the commercial fishery.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSALS 313-316, PAGES 244-246: 5 AAC 34.111. SECTION 11-A RED AND BLUE KING CRAB MANAGEMENT AND ALLOCATION PLAN.

WHAT WOULD THIS PROPOSAL DO? Proposals 313 through 316 request closure of Section 11-A to commercial harvest of red and blue king crab.

WHAT ARE THE CURRENT REGULATIONS? Section 11-A is open to both commercial and personal use fishing according to guidelines developed by the Board in 1995 for allocation of the harvestable surplus:

- 46% to the personal use fishery July 1 – September 30;
- 9% to the personal use fishery October 1 – March 31;
- 45% to the commercial fishery;
- No increase in personal use allocation if the commercial season is not opened.
- The central portion of Section 11-A is closed to commercial red and blue king crab fishing (Figure 1).

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED?

- Closure of the commercial fishery in Section 11A.

BACKGROUND:

- The Board heard testimony on king crab allocation at the October 1995 meeting in Juneau. The allocation framework has been in effect since July, 1996.
- Harvestable surplus is calculated as a percentage of the available population of mature male crab based on an annual stock assessment survey; hence, the allowable catch is adjusted each year to meet conservation goals.
- Eleven commercial permits fished in 1996/97 in section 11-A, and 12 in 1997/98 (Table 1).
- The commercial catch in the 1996/97 and 1997/98 seasons in Section 11-A was below the commercial allocation by 19% and 17%, respectively (Table 4). These commercial seasons were pre-announced to close 3 days early in 11-A relative to other areas in an effort to not exceed the allocation. In hindsight, these early closures were conservative and reflect the imprecision of inseason management for this fast-paced fishery.
- There were 2,119 individual personal use permits issued in 1996/97 (70% of these were for the summer), 1,452 were issued for the joint summer and winter season in 1997/98, and 1,532 household permits have been issued for the 1998/99 combined summer and winter season (will close by regulation March 31) (Table 3).
- The personal use fishery was closed early in both summer and winter periods of the 1996/97 and 1997/98 seasons when catch estimates obtained through creel and phone surveys indicated that harvests were exceeding the allocations (Table 2). By the end of those two seasons, the personal use catches exceeded the allocations by 33% and 17%, respectively (Table 4). The personal use fishery has proven difficult to manage to meet the allocation goal of allowing the fishery to remain open all season. This imprecision in management is due in part to the large number of participants and difficulties in obtaining reliable catch data.
- The personal use catch has averaged 69% of the total catch in section 11-A in the past 5 years (Table 1).
- The commercial catch in 11-A has averaged 7% of the total Southeast red and blue king crab catch (Table 1).
- The 1998/99 commercial season in Southeast was not opened because the estimated harvestable surplus in the region did not meet the minimum 300,000 pounds, per regulation 5 AAC 34.113(c).

DEPARTMENT COMMENTS:

- These proposals seeks to eliminate commercial fishing in Section 11A; because this is an allocative issue, the department neither supports nor opposes these proposals.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 317, PAGE 246: 5 AAC 34.111. SECTION 11-A, RED AND BLUE KING CRAB MANAGEMENT AND ALLOCATION PLAN.

WHAT WOULD THIS PROPOSAL DO? This proposal seeks to allocate 5% of the king crab harvest in Section 11-A to a January 1 to March 31 period for personal use harvesters who dive to catch crabs. The proposal seeks to accomplish this by specifying an allocation for a winter personal use season in which pots would not be allowed.

WHAT ARE THE CURRENT REGULATIONS? The personal use allocation of king crab in section 11-A is:

- 46% to the personal use fishery July 1 – September 30;
- 9% to the personal use fishery October 1 – March 31;

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Reserving 5% of the total allowable harvest in section 11-A for a 3 month season in which pots are not legal gear, would make diving and ring nets the likely method of harvest. It is unclear what portion of the catch would be taken by divers.

BACKGROUND:

- The Board heard testimony on king crab allocation at the October 1995 meeting in Juneau. The allocation criteria have been in effect since July, 1996. By establishing a winter season and allocation to that season, it was the Board's intent to provide an allocation for divers.
- The winter personal use fishery was closed early in the prior two seasons: March, 7 1997 for the winter 1996/97 season, and December 29, 1997 for the 1997/98 season (Table 2). The latter closure effectively eliminated participation by divers (Table 3). Both closures were made in an attempt to not exceed allocation guidelines.
- The large harvests of king crabs with pots in the fall of both prior seasons was not anticipated in the establishment of the current allocations. Information at the time of the 1996 Board meeting indicated that the pot harvest was mostly restricted to the summer.
- There were 2,119 individual personal use permits issued in 1996/97, of which 643 were issued for the winter (October through March) period. In 1997/98, there were 1,452 permits issued for the joint summer and winter season, and 1,532 household permits have been issued for the 1998/99 combined summer and winter season (will close by regulation March 31).
- There is no allocation among personal use fishermen based on methods and means of harvest.

DEPARTMENT COMMENTS:

- This proposal seeks to establish allocations among user groups and hence, the department neither supports nor oppose it.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSALS 311-317

Table 1. Catch of red and blue king crab in the personal use and commercial fisheries in Section 11-A. Catch data are in numbers of crab. Personal use catch data for the period 1978/79 through 1987/88 are rough estimates and not based on survey data.

Season	Personal Use Catch	Commercial Catch	Number of Commercial Permits	Personal Use Catch as Percent of 11-A Total	Total Catch in 11-A	Total Catch in Southeast
1978/79	300	6,964	9	4.1	7,264	69,147
1979/80	300	7,436	9	3.9	7,736	100,973
1980/81	300	11,406	10	2.6	11,706	81,105
1981/82	300	9,233	12	3.1	9,533	80,545
1982/83	500	2,477	11	16.8	2,977	67,273
1983/84	500	2,310	9	17.8	2,810	47,986
1984/85	500	4,402	16	10.2	4,902	41,152
1985/86	500	0		100.0	500	1,363
1986/87	500	0		100.0	500	1,257
1987/88	500	0		100.0	500	1,304
1988/89	665	0		100.0	665	2,383
1989/90	2,228	0		100.0	2,228	5,591
1990/91	2,361	0		100.0	2,361	3,147
1991/92	2,972	0		100.0	2,972	3,825
1992/93	6,835	0		100.0	6,835	8,590
1993/94	10,799	4,205	19	72.0	15,004	42,058
1994/95	7,139	6,208	31	53.5	13,347	47,224
1995/96	5,672	694	7	89.1	6,366	60,217
1996/97	6,215	3,081	11	66.9	9,296	67,663
1997/98	5,343	3,116	12	63.2	8,459	48,084

Table 2. Openings/closings and fishery regulations by season for the red king crab personal use fishery from 1996-1999.

Personal Use Fishery					
	Type of permit	Daily Limit	Seasonal Limit	Closure date	Closure reason
1996/97 summer	individual	3 crabs per person	none	8/30/96	creel survey indicates catch is over allocation
1996/97 winter	individual	3 crabs per person	none	3/7/97	phone survey indicates catch is over allocation
1997/98 summer	household	2 crabs per person	none	8/16/97	creel survey indicates catch is over allocation
1997/98 winter	household	2 crabs per person	none	12/29/97	phone survey indicates catch is over allocation
1998/99 summer	household	2 crabs per person	20 crab per permit combined for summer/winter	9/30/98	did not close early
1998/99 winter	household	2 crabs per person			open

Table 3. Number of permits issued/returned, total catch of returned permits, percent of catch by gear in the red king crab personal use fishery by season and summer/winter.

Year/season	Permits issued	Permits returned	Catch	Percent by Gear		
				Pot	Dive	Rings
96/97 summer	1,476	1,218	5,218	99	<1	<1
96/97 winter	643	380	997	78	20	2
subtotal			6,215			
97/98 summer	1,452*	911*	3,857	99	<1	<1
97/98 winter			631	96	3	1
Unknown season			855	99	0	<1
subtotal			5,343			
98/99 summer/winter	1,532**					

*permits not separated by winter and summer

**1998/99 data are preliminary

Table 4. Red king crab summer/winter personal use and commercial allocation and catch for 3 seasons from 1996-1999. Commercial catch data is from the fish ticket database

Year	1996/97		1997/98		1998/99	
	Allocation	Catch	Allocation	Catch	Allocation	Catch
Commercial	3,825	3,081	3,750	3,116	6,533	0
Personal Use summer	3,900	5,218	3,800	3,857	6,678	n/a
Personal Use winter	765	997	750	631	1,307	n/a
Personal Use Unknown				855		
Total Allowable Catch	8,490	9,296	8,300	8,459	14,518	

PROPOSAL 318, PAGE 246-247: 5 AAC 77.664. PERSONAL USE KING CRAB FISHERY.

WHAT WOULD THIS PROPOSAL DO? This proposal would establish a daily bag and possession limit based on the annual stock assessment survey, in an attempt to assure personal use fishing from July 1 to March 31. A seasonal bag limit per permit holder would be added and calculated as four-times the daily limit. Compliance would be achieved by requiring the number of crab retained and date of capture be recorded on the permit.

WHAT ARE THE CURRENT REGULATIONS?

- Personal use regulations for Section 11-A (5 AAC 77.664(c)(6)) authorizes the commissioner to set bag and seasonal limits for harvest of king crab.
- The allocation plan in the commercial fishing regulations (5AAC 34.111(c)) more specifically authorizes imposition of restricted daily bag limits of one or two king crabs per day, and a seasonal per person limit.
- A daily bag limit of three crabs was in effect for the 1996/97 season. This was reduced to two per person in 1997/98, where it remains today.
- A seasonal bag limit of 10 per person or 20 per household was put into effect in the 1998/99 season.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED?

- The intent of this proposal is to assure that the personal use fishery will not close by emergency order because catches have exceeded the allocation of total harvest.
- While the proposal attempts to assure that the catch will be spread out among the people who use different methods and means, there are several reasons (see below) why this approach does not provide any certainty to people who use dive gear in the winter.

BACKGROUND:

- This proposal was made prior to the imposition of the seasonal limit in 1997, and reflects both the goal and reasoning similar to that used by the department in devising the 1998/99 permit provisions (daily bag limit of 2 crabs, seasonal limit of 10 crabs per person or 20 crabs per household).
- The department currently attempts to set daily and seasonal bag limits so as to provide for a personal use fishery throughout the regulatory season. However, it is difficult to set daily and seasonal limits to achieve this goal and to simultaneously achieve an overall catch for the season that equals the allocation of total harvestable surplus. Reasons for this include:
 1. The stock assessment survey used to set the total allowable harvest is conducted in late June for technical reasons, and results from the survey are available to make management decisions in early August. Daily and seasonal bag limits must be established prior to July 1 when the fishery opens.
 2. Because survey data are not available until after the season is well underway, we must set daily and seasonal bag limits using trend data from prior year's surveys. Because abundance and effort can vary quite a bit from year to year, it is difficult to precisely determine what daily and seasonal bag limits will assure a fishery throughout the regulatory season while simultaneously trying to achieve an overall allocation for the fishery.
 3. Catches in the personal use fishery peak in July, and this limits the effectiveness of in-season management decisions based on the current year's survey data.

- For these reasons, and under current regulations that do not differentiate methods and means among personal use fishermen, it may be necessary in some years to close the fishery by emergency order due to allocations being exceeded while in other years, the allocation may not be achieved.

DEPARTMENT COMMENTS:

- Establishing a season limit based on a simple multiple of the daily bag limit constrains the department's ability to achieve the multiple objectives established for this fishery. For example, there may be times when crab abundance is so low that we would recommend a seasonal per person limit that is lower than 4 times the daily limit so as to spread out the harvest.
- Technical problems preclude the department from establishing the daily and seasonal limits using the June survey data before the fishery opens on July 1.
- Divers may be precluded from participation if catches in the summer fishery (which is at the beginning of the season) reach the overall allocation. The department cannot guarantee a winter fishery while assuring the overall allocation is achieved but not exceeded. This is because of the uncertainty in stock size and effort for the summer fishery, and the resulting imprecision in our ability to established daily and seasonal bag limits.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 319, (PAGE 247) 5 AAC 77.666 PERSONAL USE TANNER CRAB FISHERY

WHAT WILL THE PROPOSAL DO? This proposal would establish a minimum legal size of 5.5 inches (140 mm) in carapace width for the personal use Tanner crab fishery in Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS?

- There is no minimum legal size in the current regulations. Current bag and possession limits allow 30 male Tanner crab per person.
- The season is open throughout the year.
- Commercial fishing regulations allow the retention of personal use Tanner crab from the lawfully taken commercial catch.
- There are no customary and traditional findings for Tanner crab stocks in any area of Southeast Alaska. The Yakutat area does have customary and traditional findings for Tanner crab.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

- It would require that all crab less than 5.5 inches not be retained.
- From a biological perspective, it will allow these small crab that may have otherwise been retained to reproduce for one or two years before recruiting to the fishery.
- It would establish uniform size limits for all Tanner crab fisheries in the region.

BACKGROUND:

- The department has very little data to document the personal use catch of Tanner crab.
- Establishing a minimum legal size in the personal use fishery should allow one or two mating opportunities for mature male Tanner crab prior to recruiting into the personal use fishery.

- Statewide, there are minimum legal size limits established in all personal use fisheries that border the Gulf of Alaska, except for Southeast. The minimum size limits in and around the Gulf of Alaska vary from 5.3 inches in Prince William Sound to 5.5 inches in Kodiak, Chignik, the Alaska Peninsula, and the Aleutian Islands. While the size at maturity has not been determined for Southeast Alaska stocks, a similar size frequency distribution with that of Kodiak stocks suggests that growth and size at maturity is similar. This leads us to believe that the size limits should be similar. The current size limit for commercial fisheries in Southeast is 5.5 inches.

DEPARTMENT COMMENTS:

- The department proposed, and supports, this regulatory change.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 320, (PAGES 247 AND 248 IN PERSONAL USE REGULATIONS) 5 AAC 77.664, 77.666, AND (PAGE 550 IN TITLE 16, SPORT FISHING REGULATIONS) 5 AAC 47.035.

WHAT WILL THE PROPOSAL DO? Adoption of this proposal would require that all female king or Tanner crab, and sub-legal male king or Tanner crab caught in personal use and sport fisheries be immediately returned to the water unharmed.

WHAT ARE THE CURRENT REGULATIONS? The current regulations for king crab specifies that only male red and brown king crab may be taken or possessed. The current Tanner crab regulation only specifies daily bag and possession limits.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, king and Tanner crab personal use and sport fishermen would be required to immediately sort and return the non-legal portion of the catch, unharmed to the sea immediately.

BACKGROUND: In the commercial fisheries, regulations exist (5 AAC 34.065 and 35.065) to require fishermen to "...immediately returned to the sea unharmed" female and sub-legal sized male king and Tanner crab. Similar wording does not exist in the personal use or sport fisheries. Research indicates that outside of direct injury, exposure to surface conditions (drying winds, fresh water, and other conditions) can reduce normal growth and survival for shellfish.

DEPARTMENT COMMENTS: The department proposed and supports these regulatory changes to ensure that the highest possible survival and growth rates exist for the non-legal segments of king and Tanner crab stocks. Many stocks are fully utilized by the combination of users, and good conservation practices will help those stocks support user groups in the future.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 321, (PAGES 248 AND 249 IN PERSONAL USE REGULATIONS) 5 AAC 77.664, 77.666, AND (PAGE 550 IN TITLE 16, SPORT FISHING REGULATIONS) 5 AAC 47.035.

WHAT WILL THE PROPOSAL DO? This proposal will prohibit live holding facilities that can be used to accumulate or pool multiple daily king or Tanner crab bag limits by an individual, or individuals.

WHAT ARE THE CURRENT REGULATIONS? At the current time, there is no prohibition against holding cages, tanks, or pots used to accumulate multiple bag limits for king or Tanner crab in personal use and sport shellfish fisheries

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this regulation will prohibit pooling of daily bag limits in the king and Tanner crab personal use and sport fisheries and make enforcement of daily limits easier.

BACKGROUND: This proposal would eliminates the defense that possession of crab in excess of the daily bag limit is a result of multiple days fishing efforts. To address this concern in the personal use dungeness crab fishery, a similar regulation was adopted (5 AAC 77.662 (4)). This proposal was submitted to address the same concern at a time when there is growing interest in pooling bag limits as these fisheries intensify.

DEPARTMENT COMMENTS: The department proposed and supports these regulatory changes

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 322, (PAGE 249) 5 AAC 77.666, PERSONAL USE TANNER CRAB FISHERY AND (PAGE 550 IN TITLE 16, SPORT FISHING REGULATIONS) 5 AAC 47.035, METHODS, MEANS, AND GENERAL PROVISIONS - SHELLFISH.

WHAT WILL THE PROPOSAL DO? This proposal would establish a uniform vessel pot limit for personal use and sport shellfish fisheries for king and Tanner crab by:

- reducing from 5 to 4 the number of pots permitted per person in the personal use and sport Tanner crab fishery and by,
- reducing from 10 to 4 the number of pots that may be fished from each vessel in these fisheries.

WHAT ARE THE CURRENT REGULATIONS? The gear limits for Southeast Alaska personal use and sport gear limits differ. Existing gear limits are:

Personal use

Tanner crab pots:	5 pots per person and 10 pots per vessel.
King crab pots:	4 pots per person and vessel.
Dungeness crab pots:	5 pots per person and 10 pots per vessel.

Sport fishing

Tanner crab pots:	4 pots per person and 10 pots per vessel.
King crab pots:	Not allowed.
Dungeness crab pots:	4 pots per person and 10 pots per vessel.

In both the personal use and sport regulations, no more than 10 crab pots can be fished from a vessel. There are various combinations of pot types that can be used, up to a maximum per person or vessel. For example, a personal use fisher could use 5 Tanner crab pots and 5 Dungeness crab pots for a total of 10 shellfish pots on the vessel.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this regulation will provide consistent pot limits in the personal use and sport fishing regulations. There will be various combinations of pots that could be fished. However, not more than 4 king or Tanner crab pots, could be fished by an individual or vessel. And, not more than 10 crab pots of any kind could be fished by an individual or vessel.

BACKGROUND: Inconsistent pot limits makes enforcement of present regulations difficult, especially in Section 11-A where the king crab pot limit is restricted, and the Tanner and Dungeness pot limits are more liberal.

DEPARTMENT COMMENTS: The Department proposed and supports these proposed changes. They will add consistency to the regulations and enhance enforcement efforts for the fisheries in question.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 323

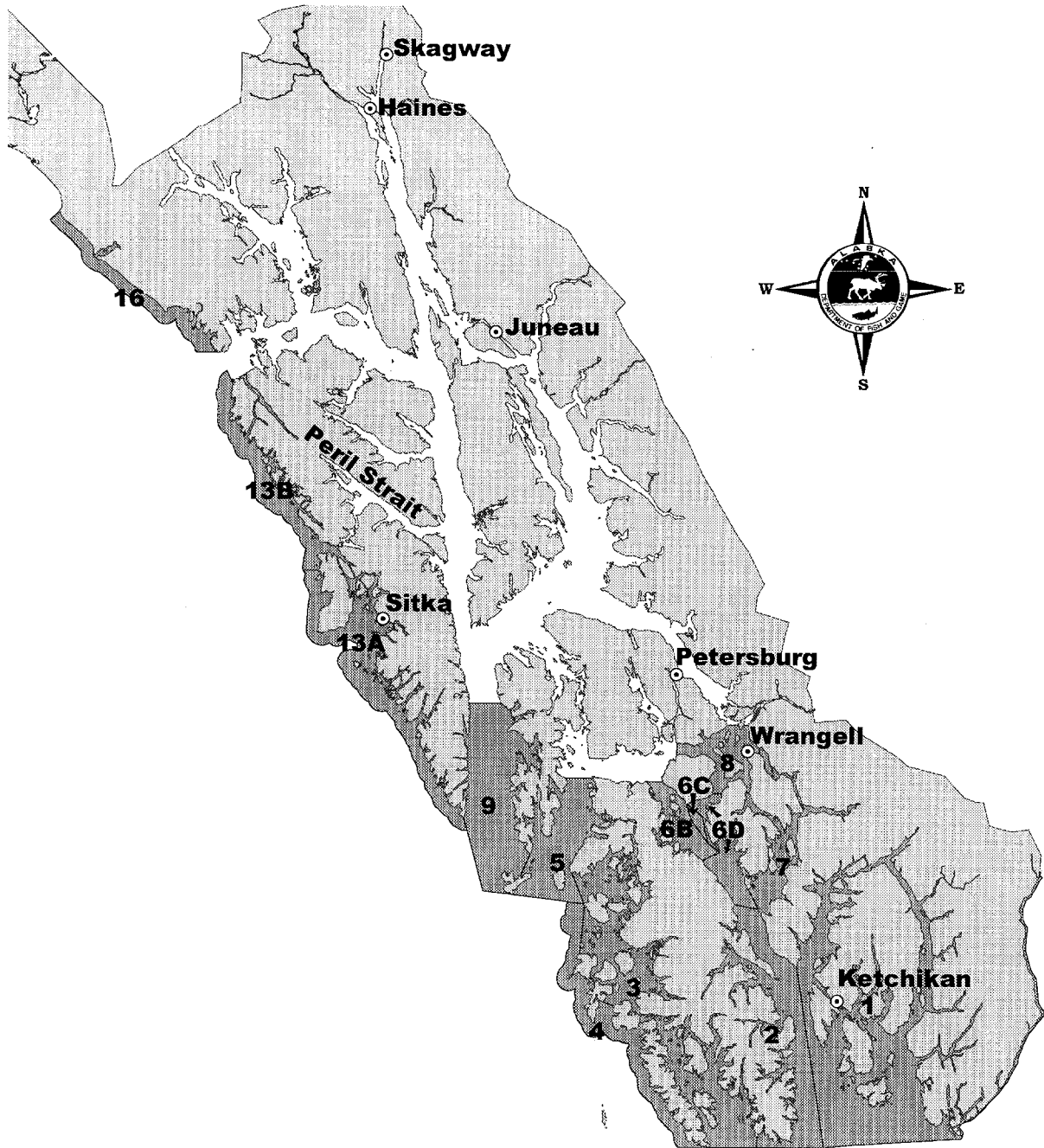


Figure 2. Proposal 323. Establish an experimental red king crab fishery in non-traditional areas of Southeast Alaska.

PROPOSAL 323, (PAGE 250) 5 AAC 34.113. SOUTHEAST ALASKA RED KING CRAB MANAGEMENT PLAN

WHAT WILL THE PROPOSAL DO? This proposal would provide for experimental red king crab fishing in “non-traditional” areas of Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide that the entire region is open to red king crab fishing during the commercial season. No provisions for experimental fishing during closed commercial fisheries are currently provided through regulation.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would allow commercial fishermen to prospect for commercial quantities of king crab in areas outside those normally open under terms of a department permit. If commercial quantities are located, then additional fishing grounds could presumably be opened to commercial exploitation.

BACKGROUND: “Non-traditional” is an informal term used to include those areas, mostly in southern Southeast Alaska and outer waters of northern Southeast Alaska (Figure 2), where commercial fishing is generally not conducted during the short, fast-paced seasons of the past two decades.

From 1960 through 1967 the commercial red king crab fishery was open throughout the year, and in all areas of the region, there was no limit on the number of pots, and no guideline harvest levels. The harvest peaked at 1.9 million pounds in 1969. This harvest was comprised of red, blue, and golden king crab. During this time, there were only a few thousand pounds taken from the southern districts in total.

The department conducted test fishing in 1976 in response to industry requests regarding possible availability of crab in “non-traditional” areas. Three commercial vessels were chartered for 10 days each to explore for red king crab in Districts 3 and 4. Data collected showed scattered and limited populations of red king crab but very few crab were of the minimum legal size. Furthermore, the average catch was less than 0.1 legal male crab per pot lift. These data clearly showed that commercial quantities of red king crab were not present in Districts 3 or 4.

Collapse of the red king crab fishery resulted in closure from the 1985/86 season until the 1993/94 season. In 1988 the Board provided regulations to allow experimental fishing in “non-traditional” areas. These areas were Districts 1-4, and parts of Districts 5, 6, 8, 9, 13, and 16. Permits were subsequently issued to 19 different fishers for the 1988/89 and 1989/90 seasons (July to January, Table 5). Seven fishers landed product. Mandatory logbook data indicated that fishing effort occurred in 36 different subdistricts, with harvests only occurring in 10 subdistricts. The landings from all permittees totaled only 2,061 pounds (Table 6). After two seasons of exploratory fishing, it was obvious that interest in these fisheries was low, catches were poor, and no major unexploited populations had been found. Also, flagrant abuses of permit conditions and violations of regulations had occurred. As a result, the Board decided during its winter meeting in 1990 to revoke the regulations that provided for these fisheries.

DEPARTMENT COMMENTS: The department is opposed to the proposed experimental fishery. Historic catch data, special charter survey work, and previous experimental fisheries have all failed to demonstrate that commercial quantities of red king crab exist outside the areas now open. The available data does indicate that there are scattered populations of red king crab in areas not currently exploited by the commercial fleet. However, these same data suggest that environmental conditions in the southern portion of Southeast Alaska are not conducive to normal growth or survival. This is evident in part by the early onset of skip-molting in Districts 3 and 4 that results in small sized crabs.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

Table 5. Proposal 323. Experimental red king crab permits issued by month and year during the 1988/89 and 1989/90 fisheries.

	July	Aug	Sept	Oct	Nov	Dec	Jan
1988/89	3	3	3	3	7	5	2
1989/90	0	1	0	3	2	3	1

Table 6. Proposal 323. Combined season experimental red king crab permits, landings, districts fished, districts with reported catch, and total pounds landed during the 1988/89 and 1989/90 fisheries.

Number of fishermen permitted:	19
Number of permits with landings:	7
Number of subdistricts fished:	36
Number of subdistricts with reported catch:	10
Total pounds landed:	2,061

Catch information for individual years cannot be reported separately due to confidentiality concerns.

PROPOSAL 324

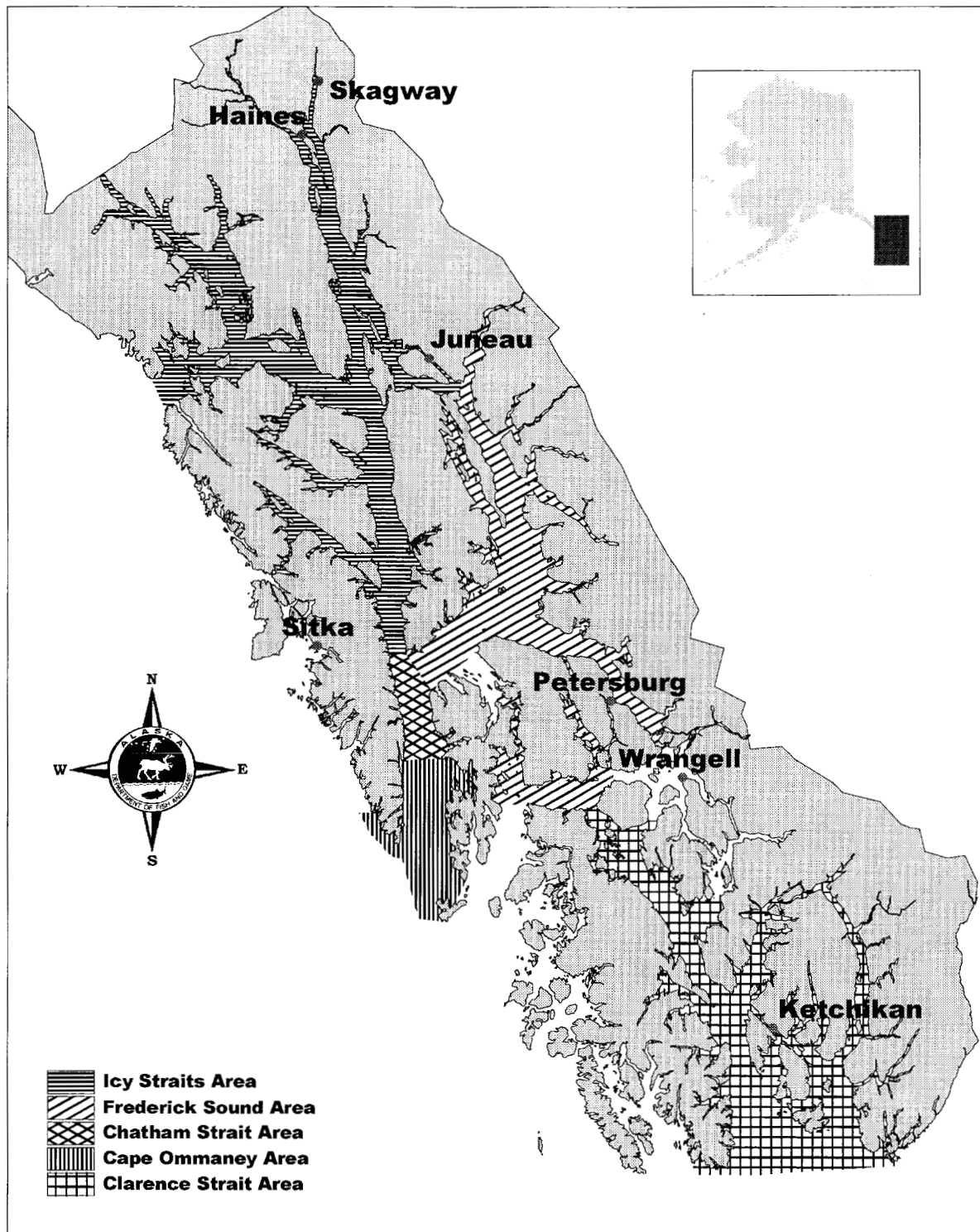


Figure 3. Proposal 324. Commercial golden king crab fishing areas in Southeast Alaska.

PROPOSAL 324, (PAGE 250 -251) 5 AAC 34.115. GUIDELINE HARVEST RANGES FOR REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal would reduce existing guideline harvest ranges for the five defined brown (golden) king crab fishing areas in the Southeast Alaska commercial fishery (Figure 3).

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide the following guideline harvest ranges by fishing area:

1. Frederick Sound Area, from 0 to 350,000 pounds.
2. Icy Straits Area, from 0 to 250,000 pounds.
3. Chatham Straits Area, from 0 to 150,000 pounds.
4. Cape Ommaney Area, from 0 to 100,000 pounds.
5. Clarence Straits Area, from 0 to 25,000 pounds.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted the following guideline harvest ranges would be established:

1. Frederick Sound Area, from 0 to 205,000 pounds.
2. Icy Straits Area, from 0 to 165,000 pounds.
3. Chatham Straits Area, from 0 to 95,000 pounds.
4. Cape Ommaney Area, from 0 to 25,000 pounds.
5. Clarence Straits Area, from 0 to 10,000 pounds.

BACKGROUND: The department's management program for golden king crab is extremely limited. Fiscal constraints preclude conduct of an annual stock assessment survey. Besides catch statistics, the only information available is a very limited dockside sampling program that provides some information on recruitment and size structure of the fished population. Consistent with the Southeast Brown King Crab Management Plan (5 AAC 34.114) the department makes management decisions within specific fishing areas based on historic catch data and the limited dockside sampling data. Absent adequate information, the regulation requires a conservative approach to management. The only tool we currently have available is implementation of guideline harvest ranges.

The first GHR for golden crab in Southeast was established in 1978 as 50,000 to 200,000 pounds. The GHR was increased to 200,000 to 500,000 pounds in 1981 based on industry recommendations. This GHR remained in regulation through the 1986/87 fishing season.

Due to the propensity of the fleet to concentrate fishing effort only in the most productive fishing grounds, and in order to prevent overexploitation on any single fishing ground, separate GHRs were established in 1987. Initially only three areas (Frederick Sound, Icy Strait, and Lower Chatham Strait) were assigned GHRs. During early seasons, GHRs for red, blue, and golden king crab were combined. From 1981/83 through 1986/87 the GHR was 200,000 to 500,000 pounds for the entire region.

In 1987/88 the department began managing separate stock areas. Initially, four areas were recognized, Frederick Sound (200,000 to 325,000 pounds), Lower Chatham (200,000 to 250,000 pounds), Icy Strait (150,000 to 250,000 pounds), and an Exploratory Area (no GHL). During this period the fishery was attracting additional effort, expanding geographically, and was doing so without the necessary biological information to support management actions. During the 1988/89 season, GHRs were increased in both Frederick Sound and Lower Chatham as the fishery continued to intensify. These higher GHRs existed through the 1991/92 season, when it became obvious that the average regional harvest of about 825,000

pounds for ten seasons resulted in overfished stocks. Recruitment had not been able to keep up with the removal. GHRs were reduced to the current levels in 1992/93.

DEPARTMENT COMMENTS: The Department proposed, and supports lowering the GHRs. Our proposal would lower the upper limit of the total, region-wide GHR from 875,000 pounds to 500,000 pounds. Historic data clearly shows that catches of 875,000 area not sustainable.

The department developed estimates for the upper end of new GHRs by examining the historic catch data for each fishing area and rounding the values up or down based on catch trends and our knowledge of each area's fishing history:

- In Frederick Sound the average catch is 174,000 pounds (24 seasons).
- In Icy Straits the average catch is 145,000 pounds (22 seasons).
- In Lower Chatham Strait the average catch is 108,000 pounds (17 seasons).
- In Cape Ommaney the average catch is 30,000 pounds (14 seasons).
- In Clarence Straits the average catch is 11,000 pounds (14 seasons).

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 325, (PAGE 251) 5 AAC 34.130. LOGBOOKS

WHAT WILL THE PROPOSAL DO? This proposal provides for completion and submission of mandatory logbooks in all king crab fisheries in Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide for completion and submission of mandatory logbooks in the red king crab fishery but not the golden (brown) king crab fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Fishers will be required to complete logbooks (provided by the department) on a daily basis. Logbooks will be submitted to the department in sealed envelopes, (also provided by the department) by attaching the envelope to the fish ticket at time of landing.

BACKGROUND: Logbooks have been required by the department in the Southeast Alaska red king and Tanner crab fisheries for the past six seasons. Resulting data are extremely useful in determining catch rate changes during each fishery, greatly assist us in estimating how many days to allow fishing to achieve a target catch, and may be useful as a stock assessment tool in the near future.

DEPARTMENT COMMENTS: The Department proposed, and supports this regulatory change to provide information to improve management of the resurgent golden king crab fishery.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 326, (PAGE 252), 5 AAC 34.109 AREA A REGISTRATION AND 34.128 OPERATION OF OTHER GEAR IN REGISTRATION AREA A

WHAT WILL THE PROPOSAL DO? This proposal prohibits personal use pot fishing beginning 30 days before the commercial king crab season, and establishes a registration deadline of 30 days before the commercial king crab season begins.

WHAT ARE THE CURRENT REGULATIONS? Currently, the prohibition for personal use pot fishing begins 14 days prior to the commercial king crab opening date. However, a commercial king crab fisher can continue to operate commercial Dungeness or shrimp pots during the 14 days prior to the commercial opening.

Currently, a vessel must register anytime prior to fishing.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, all fishers who desire to participate in the commercial king crab season would have to cease all personal use fishing 30 days prior to the opening date. In addition, all fishers would be required to register before the registration deadline, which is 30 days prior to the opening date.

All fishers who desired to participate in the commercial king crab season, but were participating in commercial Dungeness crab or shrimp fisheries, would not have to cease fishing, but would have to register for king crab 30 days prior to the king crab opening date.

BACKGROUND: The initial prohibition against personal use fishing extended from 14 days prior to the season opening date to 14 days after the closure date. This was modified to 14 days prior to the opening, and 14 days after the closure to allow personal use fishing during the king crab season, as long as the personal use crab were taken from the lawful commercial harvest. The regulation was intended to provide for a fair start, and reduce the potential for “prospecting” and “stockpiling” crab before the season. It was also intended to prevent abuse of the post season commercial pot storage regulations.

DEPARTMENT COMMENTS: The Department proposed, and supports this regulatory change. Commercial king crab fishers have been increasing their “prospecting” activities using personal use regulations in recent years. This has resulted in increased initial catch rates, shorter seasons, and concentration of boats and gear in the most productive areas.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 327, (PAGE 252-253) 5 AAC 35.125. LAWFUL GEAR FOR REGISTRATION AREA A; 5 AAC 35.127. TANNER CRAB GEAR STORAGE REQUIREMENTS FOR REGISTRATION AREA A; 5 AAC 35.128. OPERATION OF OTHER GEAR IN REGISTRATION AREA A; and 5 AAC 34.XXX (new subsection) or 35.020 TANNER CRAB REGISTRATION.

WHAT WILL THE PROPOSAL DO? This proposal would provide individual changes, or various combinations of individual changes, to the Southeast Alaska Tanner crab regulations. The changes suggested are: reduce the pot limit from 80 to 50 pots; eliminate or restrict pre-season gear storage; prohibit personal use fishing for 30 days before the season; and require registration 30 days before the season.

WHAT ARE THE CURRENT REGULATIONS? The existing pot limit is 80 pots per vessel. Pots can be stored in the water for up to 10 days prior to the season throughout the region, with restrictions around streams and communities. Current commercial and personal use regulations allow personal use fishing up to 14 days before the start of the commercial Tanner crab season. Commercial vessels can register anytime prior to fishing.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, these measures would tend to reduce the initially high catch rates characteristic of the intense Tanner crab fishery and tend to extend the season length.

BACKGROUND: Over the past several seasons, the 2.0 million pound maximum annual allowable harvest has been reached in progressively shorter seasons. This has occurred even when the pot limit was reduced from 100 to 80 pots per vessel. During the 1997/98 season a harvest of 2.6 million pounds was taken in only 7 days. During the 1998/99 season a harvest of 2.0 million pounds was taken in 6 days. Inseason management is not possible with the existing regulations and fleet efficiency.

DEPARTMENT COMMENTS: The department proposed the options listed for public comment and Board consideration.

Reducing the pot limit could potentially result in a longer fishing season. However, the reduction from 100 to 80 pots implemented a few years ago did not slow down the Tanner crab fishery. The fleet has often demonstrated the ability to increase their harvest rate when faced with fishery restrictions.

The Board directed the department at the October 1995 Board meeting to conduct a daily reporting program. The purpose of this program was to provide the department with inseason data to better manage the fishery. The Board warned the industry that pot limits may be further reduced if the daily reporting program was not effective. The daily reporting program was conducted during the fishery for two years but too few people participated to make the program effective.

Reducing, or eliminating, pre-season in-water storage of pots would mean that some vessels would have to take more time when the season starts to deploy their gear. It also reduces the potential of vessels having gear with crab already captured in the water. This measure would tend to facilitate a fair start and assist Fish and Wildlife Protection (FWP). Reducing or eliminating pre-season storage tends to favor larger vessels that can haul the entire limit of gear in one load.

Fishers commonly ask when they can go "test fishing" as any crab season approaches, but especially before the Tanner crab fishery. Many openly use personal use opportunities to test the grounds and determine precisely where the most crab are concentrated. This contributes to the speed with which the GHR is reached. Increasing the prohibition from 14 to 30 days increases the potential that the heavy concentrations of crab will move.

Requiring registration 30 days prior to the season would clearly identify Tanner crab fishers and vessels. This would provide an accurate estimation of fleet size to assist in management. It would also make it more difficult for vessels to use the personal use opportunities as a "prospecting" mechanism.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 328, (PAGE 253) 5 AAC 35.115. MAXIMUM HARVEST LEVEL FOR REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal would increase the maximum allowable commercial harvest of Tanner crab in Southeast Alaska from 2.0 million to 4.0 million pounds.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify a maximum harvest level of 2.0 million pounds of Tanner crab for Southeast Alaska, Registration Area A.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would double the maximum permissible volume of Tanner crab caught in the commercial fishery in Southeast Alaska.

BACKGROUND: The Southeast Alaska commercial Tanner crab fishery began in 1968. Effort and catch quickly increased. Minimal, passive regulations that were adopted included size limits, fishing seasons, gear limits, and guideline harvest quotas or ranges.

The first GHR of 1.75 million pounds, was established prior to the 1976/77 season. In 1978, the GHR was revised downward to be between 750,000 and 1,500,000 pounds. In 1979, the upper end of the GHR was changed to be 2,500,00. In 1985 the GHR was again revised (based on a department proposal to the board) but this time the upper end of the GHR was expressed as a "Maximum Allowable Harvest" (MHL). The MHL was set halfway between the existing upper end of the GHR (2,500,00) and the upper end of the 1978 GHR (1,500,000). We recommended the 2,000,000 pound MHL because locally high harvest rates had produced signs of overfishing in the populations in Icy Straits.

DEPARTMENT COMMENTS: The department does not support this proposal. A harvest level to 4.0 million pounds has not been approached in the history of the fishery even during periods of liberal regulations. Rather, catch data indicates that sustainable harvest in the 1,500,000 to 2,000,000 pound range. At present, our data indicates that up to 70 percent of the legal male crab are being harvested each season. Thus the success of the fishery is largely dependent upon the strength of annual recruitment. Raising the maximum harvest level would probably not be attainable, would allow for almost no carry-over of large male crab from one season to the next, and would increase the risk of overfishing and stock collapse.

The department has very limited information to manage the Tanner crab fishery in Southeast. Data available includes catch & effort (from sales slips and logbooks) and dockside sampling to detect recruitment. There is only a preliminary and partial stock assessment survey. With such limited data, a very conservative approach to management is required.

Arbitrary increases in the upper end of a GHR are not the solution to better management of Tanner crab stocks in Southeast Alaska. Rather, better management will require (1) development of a annual stock assessment survey program (2) development of methods to improve in-season management and (3) good estimates of the non-commercial harvests. With these data, we could establish management policies that fully comply with board policy and regulations.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 329, (PAGE 253-254) 5 AAC 35.115. MAXIMUM HARVEST LEVEL FOR REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal would increase the maximum commercial harvest of Tanner crab in Southeast Alaska from 2.0 million to 3.0 million pounds.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify a maximum harvest level of 2.0 million pounds of Tanner crab for Southeast Alaska, Registration Area A.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would substantially increase the volume of Tanner crab caught in the commercial fishery in Southeast Alaska.

BACKGROUND: The Southeast Alaska commercial Tanner crab fishery began in 1968. Effort and catch quickly increased. Minimal, passive regulations that were adopted included size limits, fishing seasons, gear limits, and guideline harvest quotas or ranges.

The first GHR of 1.75 million pounds, was established prior to the 1976/77 season. In 1978, the GHR was revised downward to be between 750,000 and 1,500,000 pounds. In 1979, the upper end of the GHR was changed to be 2,500,00. In 1985 the GHR was again revised (based on a department proposal to the board) but this time the upper end of the GHR was expressed as a "Maximum Allowable Harvest" (MHL). The MHL was set halfway between the existing upper end of the GHR (2,500,00) and the upper end of the 1978 GHR (1,500,000). We recommended the 2,000,000 pound MHL because locally high harvest rates had produced signs of overfishing in the populations in Icy Straits.

DEPARTMENT COMMENTS: The department does not support this proposal. Annual catches exceeded 3.0 million pounds only once in the history of the fishery, and that was during the early stages of development when liberal regulations existed. Rather, catch data indicates that sustainable catches are in the range of 1,500,000 to 2,000,000 pounds. At present, our data indicates that up to 70 percent of the legal male crab are being harvested each season. Thus the success of the fishery is largely dependent upon the strength of annual recruitment. Raising the maximum harvest level would probably not be attainable, would allow for almost no carry-over of large male crab from one season to the next, and would increase the risk of overfishing and stock collapse.

The department has very limited information to manage the Tanner crab fishery in Southeast. Available data include catch & effort (from sales slips and logbooks) and dockside sampling to detect recruitment. There is only a preliminary and partial stock assessment survey. With such limited data, a very conservative approach to management is required.

Arbitrary increases in the upper end of a GHR are not the solution to better management of Tanner crab stocks in Southeast Alaska. Rather, better management to will require (1) development of a annual stock assessment survey program (2) development of methods to improve in-season management and (3) good estimates of the non-commercial harvests. With these data, we could establish management policies that fully comply with board policy and regulations.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 330, (PAGE 254) 5 AAC 35.115. MAXIMUM HARVEST LEVEL FOR REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal replaces the words “maximum annual allowable harvest” with the words “guideline harvest level” in the Southeast Alaska Tanner crab regulations.

WHAT ARE THE CURRENT REGULATIONS? Current regulations read: “The maximum annual allowable harvest for Tanner crab is 2,000,000 pounds.”

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted the proposal would change the existing Tanner crab management from a harvest cap to a guideline harvest level (GHL).

BACKGROUND: The Southeast Alaska commercial Tanner crab fishery began in 1968. Effort and catch quickly increased. Minimal, passive regulations that were adopted included size limits, fishing seasons, gear limits, and guideline harvest quotas or ranges.

The first GHR of 1.75 million pounds, was established prior to the 1976/77 season. In 1978, the GHR was revised downward to be between 750,000 and 1,500,000 pounds. In 1979, the upper end of the GHR was changed to be 2,500,00. In 1985 the GHR was again revised (based on a department proposal to the board) but this time the upper end of the GHR was expressed as a “Maximum Allowable Harvest” (MHL). The MHL was set halfway between the existing upper end of the GHR (2,500,00) and the upper end of the 1978 GHR (1,500,000). We recommended the 2,000,000 pound MHL because locally high harvest rates had produced signs of overfishing in the populations in Icy Straits.

DEPARTMENT COMMENTS:

- The department does not object to a change in terminology; however, whether termed a Maximum Allowable Harvest (MHL) or a Guideline Harvest Level (GHL), the department does not have information to support a harvest in excess of about 1,500,000 to 2,000,000 pounds per year.
- Available data suggests that existing harvest rates in the Tanner crab fishery for legal male crab are as high as 70%. Thus the success of the fishery each year is largely dependent upon annual recruitment. BOF policy and regulations require that harvest rates be set so as to provide for a fishery composed of multiple age and size classes. Estimates of current harvest rates are at the upper end of the range that would comply with this regulation.
- If the MHL is changed to a GHL, we believe it is more appropriate to use the term guideline harvest range, and to include the lower end of any GHR, which is zero (0).

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 331, (PAGE 254-255) 5 AAC 35.125 (b) LAWFUL GEAR FOR REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal would establish the pot limit at 50 pots per vessel in the Southeast Alaska commercial Tanner crab fishery.

WHAT ARE THE CURRENT REGULATIONS? The current regulation provides a limit of 80 pots per vessel and a limit of 20 ring nets for ring net vessels.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The maximum number of pots fished from a registered commercial pot vessel would be 50. The number of ring nets used by a registered commercial ring net vessel would remain at 20.

BACKGROUND:

- The first pot limit of 60 pots per vessel was set in 1973. This pot limit was increased to 100 pots in 1976 when a separate Tanner season was occurring. The pot limit was reduced to the current 80 pots per vessel beginning with the 1996/97 fishing season.
- The 2.0 million pound maximum annual allowable harvest has been reached in progressively shorter seasons in the past two decades. During the 1996/97 season a harvest of 1.9 million pounds was taken in 8 days. During the 1997/98 season a harvest of 2.6 million pounds was taken in only 7 days. During the 1998/99 season a harvest of 2.0 million pounds was taken in 6 days. This increased fishing rate has occurred even after the pot limit was reduced from 100 to 80 pots per vessel prior to the 1996/97 fishing season.
- The CFEC has issued 106 permits for this fishery and established a target of 83 permits. In recent years, there have been between 81 and 95 permits fished each season. The CFEC has recently made this fishery a priority for reducing interim permits.
- Considering the size of the fleet and its efficiency, it is no longer possible to track catches inseason and announce a closure date in time for an orderly end of the fishery. Thus, the department is forced to use prior year's data to estimate the length of time needed to meet a target catch.
- The Board directed the department at the October 1995 Board meeting to conduct a daily reporting program. The purpose of this program was to provide the department with inseason data to better manage the fishery. The Board warned the industry that pot limits may be further reduced if the daily reporting program was not effective. The daily reporting program was conducted during the fishery for two years but too few people participated to make the program effective.

DEPARTMENT COMMENTS: The department supports a reduction in the pot limit to reduce the intensity of the fishery and to promote inseason management flexibility; however, a reduction in the pot limit alone may not result in longer fishing seasons unless the limit was drastically reduced. The reduction from 100 to 80 pots implemented a few years ago did not slow the Tanner crab fishery. The fleet has demonstrated the ability to increase their harvest rate when faced with fishery restrictions.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 332, (PAGE 255) 5 AAC 35.125. LAWFUL GEAR FOR REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal provides for tiered vessel pot limits in the Southeast Alaska commercial Tanner crab fishery. The number of pots each vessel fished would be either 30, 50, or the maximum number, based on the number of CFEC points received by the permit holder on-board the vessel.

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide for a maximum of 80 pots per registered pot fishing vessel, 20 ring nets per registered ring net vessel. Pots and ring nets may not be fished from a single vessel. Pots may be stored in the water under certain conditions for 10 days prior to the opening time.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal will reduce the total number of pots available to be fished in the fishery.

BACKGROUND:

- The first pot limit of 60 pots per vessel was set in 1973. This pot limit was increased to 100 pots in 1976 when a separate Tanner season was occurring. The pot limit was reduced to the current 80 pots per vessel beginning with the 1996/97 fishing season.
- The 2.0 million pound maximum annual allowable harvest has been reached in progressively shorter seasons in the past two decades. During the 1996/97 season a harvest of 1.9 million pounds was taken in 8 days. During the 1997/98 season a harvest of 2.6 million pounds was taken in only 7 days. During the 1998/99 season a harvest of 2.0 million pounds was taken in 6 days. This increased fishing rate has occurred even after the pot limit was reduced from 100 to 80 pots per vessel prior to the 1996/97 fishing season.
- The CFEC has issued 106 permits for this fishery and established a target of 83 permits. In recent years, there have been between 81 and 95 permits fished each season.
- Considering the size of the fleet and its efficiency, it is no longer possible to track catches in-season and announce a closure date in time for an orderly end of the fishery. Thus, we are forced to use prior year's data to estimate the length of time needed to meet a target catch.
- The Board directed the department at the October 1995 Board meeting to conduct a daily reporting program. The purpose of this program was to provide the department with inseason data to better manage the fishery. The Board warned the industry that pot limits may be further reduced if the daily reporting program was not effective. The daily reporting program was conducted during the fishery for two years but too few people participated to make the program effective.

DEPARTMENT COMMENTS:

- The department supports a reduction in the pot limit to reduce the intensity of the fishery and to promote in-season management flexibility; however, a reduction in the pot limit alone may not result in longer fishing seasons unless the limit was drastically reduced. The reduction from 100 to 80 pots implemented a few years ago did not slow the Tanner crab fishery. The fleet has demonstrated the ability to increase their harvest rate when faced with fishery restrictions.
- Generally, the most consistent and efficient vessels during the limited entry qualification years should have received the higher number of points in the CFEC system. It is possible that the proposed system would reduce the number of pots in the fishery, with little change in catch rate or season length, if the most consistent and efficient vessels continued to fish the maximum number of pots.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 333

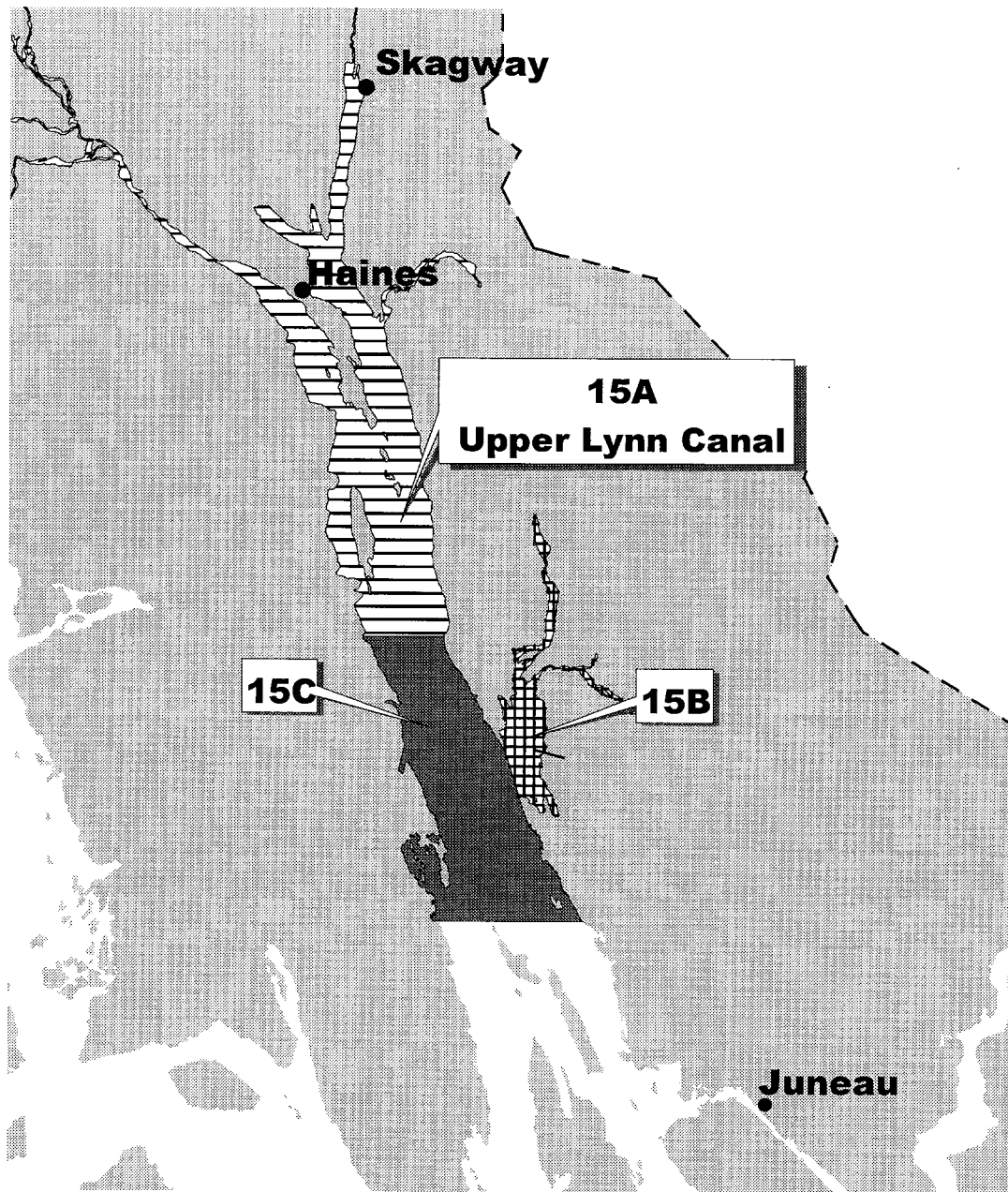


Figure 4. Proposal 333. Upper Lynn Canal super exclusive Tanner registration area.

PROPOSAL 333, (PAGE 256) 5 AAC 35.106. AREA A REGISTRATION. And 5 AAC 35.115. MAXIMUM HARVEST LEVEL FOR REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal would establish Upper Lynn Canal (Figure 4) as a super exclusive area for commercial harvest of Tanner crab for a three year period, require that all legally harvested crab be retained, and establish an annual guideline harvest level of 75,000 to 100,000 pounds for the area. The purpose of the proposal is to control the spread of “bitter crab” disease in Lynn Canal.

WHAT ARE THE CURRENT REGULATIONS?

- Southeast Alaska is a single registration area (Registration Area A)
- The maximum allowable harvest of 2.0 million pounds is for the entire region in combination. The catch is not allocated on a district, or sub-district basis.
- Regulations (5 AAC 35.120) provide for restrictive management measures in areas with high infection rates of bitter crab syndrome (BCS).

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? For a three year period:

- Vessels registered and fishing in the new super exclusive registration area would be prohibited from fishing in the remainder of Southeast Alaska, or any other registration area within the registration year.
- The new super exclusive registration area would be managed for it’s own guideline harvest level.
- All Tanner crab caught would have to be retained.

BACKGROUND:

- Lynn Canal has a very significant proportion of crab infected with “bitter crab syndrome,” which makes Tanner crab unmarketable. Because of the relatively high incidence of BCS, fishing effort in this area has been low in recent years. 5AAC 35.120 was established to control the spread of BCS to other locations. However, the regulation has been rarely used, due to the lack of understanding of how the disease spreads.
- The average catch in Section 15-A is 40,300 pounds in the past 20 seasons. Catches exceeded 100,000 pounds only in the 1983/84 and 1984/85 seasons (110,335 and 129,002 pounds, respectively).
- Harvests from Section 15-A represent approximately one-half of the entire District 15 harvest.

DEPARTMENT COMMENTS:

- The department is neutral on the allocation aspects of establishing a super-exclusive registration area within Registration Area A.
- The proposed GHL may be higher than can be sustained in upper Lynn Canal.
- The objective of this proposal is to prevent the spread of BCS to uninfected crabs in Lynn Canal and to crabs outside of Lynn Canal. By removing a high percentage of the diseased (bitter) crab the hope is that healthy crab would replace the diseased crab that had been removed. It is difficult to evaluate the potential success of this plan because of two factors. First, there is a significant potential that female and sub-legal sized male crab also have a high infection rate of BCS, and these would remain on the grounds. Second, the specific mechanism of how crab are infected is not understood, thus removal of a higher proportion of infected crab may have no affect.
- Our lack of information about how the disease organism is spread makes it impossible to recommend a scientifically based fishery management program to either significantly reduce the incidence of the disease in Lynn Canal or to contain the disease to areas that currently show a high incidence.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 334

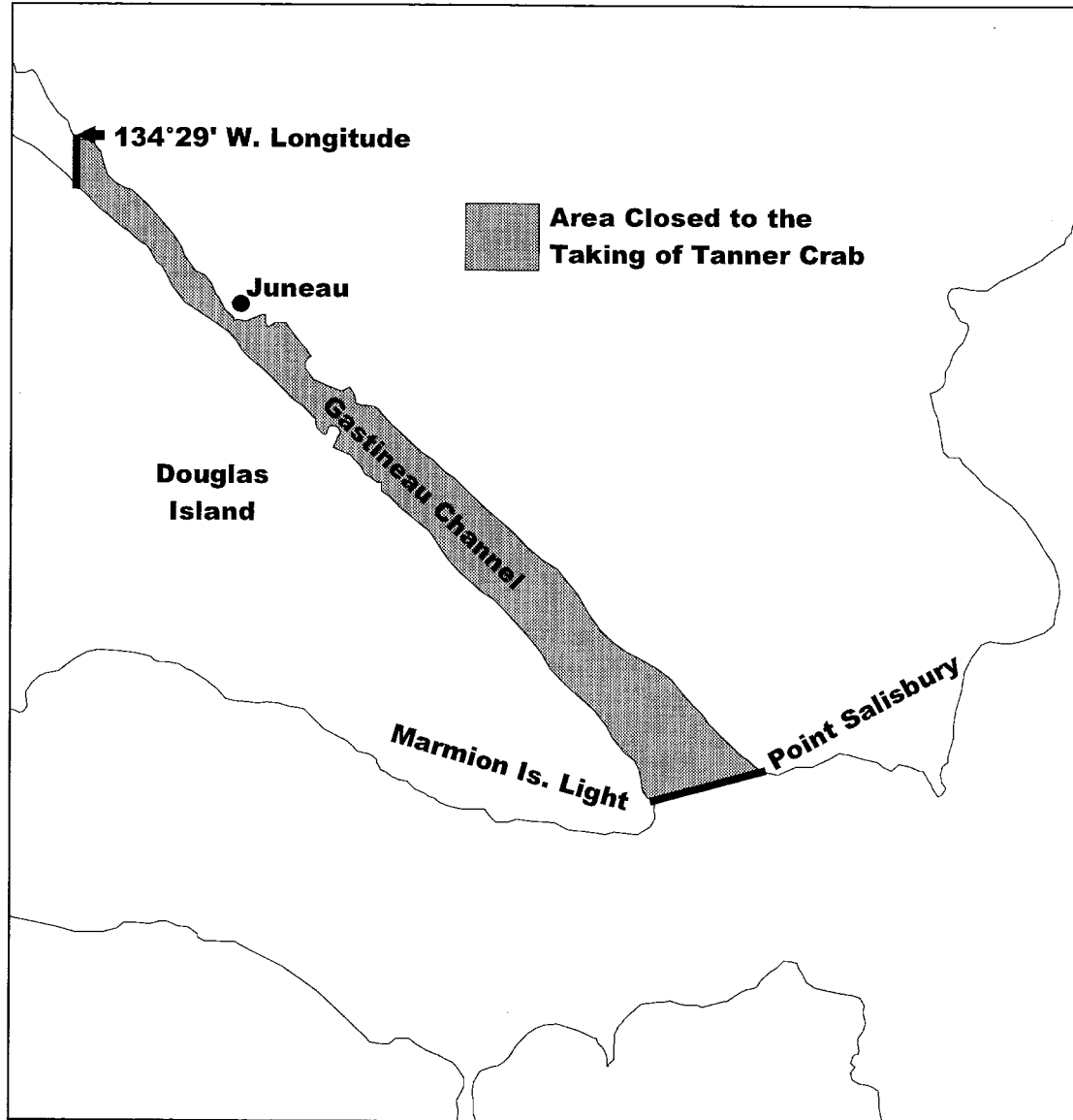


Figure 5. Proposal 334. Redefine the area closed to commercial Tanner crab fishing in waters of Section 11-A of Gastineau Channel.

PROPOSAL 334, (PAGE 256) 5 AAC 35.151. CLOSED WATERS IN REGISTRATION AREA A.

WHAT WILL THE PROPOSAL DO? This proposal defines the portion of Gastineau Channel closed to commercial Tanner crab fishing.

WHAT ARE THE CURRENT REGULATIONS? Current regulations close Gastineau Channel north of the line from Marmion Island Light to the tip of Point Salisbury. Fritz Cove and Auke Bay are also closed to the commercial Tanner crab fishery (Figure 5). These regulations also exist in the commercial king crab fishery.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal will clarify the existing closure for the northwest end of Gastineau channel.

BACKGROUND: The closure of Gastineau Channel was first defined in 1978. In 1981 Fritz Cove and Auke Bay were added to the closure. Historically, the Gastineau Channel closure was defined as the tip of Point Salisbury. The northwest limit of Gastineau Channel has not been defined.

DEPARTMENT COMMENTS: The Department proposed and supports this proposal to add clarity to the existing regulatory closure.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 335

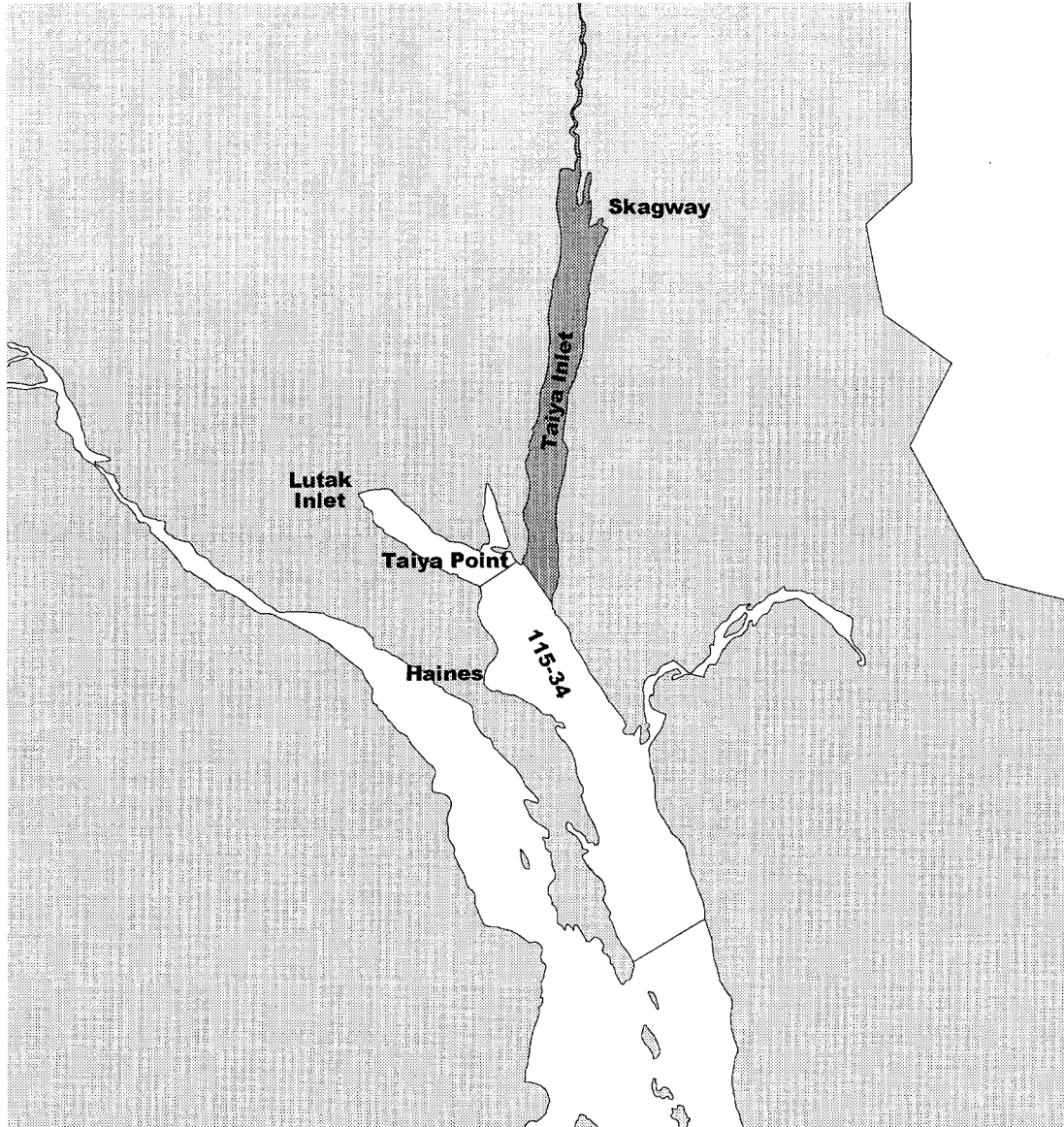


Figure 6. Proposal 335. Close commercial king and Tanner crab fisheries in waters of Registration Area A of Taiya Inlet.

PROPOSAL 335, (PAGE 257) 5 AAC 34.150. CLOSED WATERS IN REGISTRATION AREA A; AND 5 AAC 35.151. CLOSED WATERS IN REGISTRATION AREA A.

WHAT WOULD THE PROPOSAL DO?: This proposal would close the waters of Taiya Inlet north of the latitude of Taiya Point to commercial Tanner and king crab fishing.

WHAT ARE THE CURRENT REGULATIONS?: Current regulations permit commercial Tanner and king crab fishing in Taiya Inlet during the general openings in S.E. Alaska.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?: Commercial Tanner and king crab fisheries would no longer be permitted in Taiya Inlet.

BACKGROUND:

- The commercial king crab fishery has included Taiya Inlet since inception of the fishery.
- The smallest geographic area for which catches can be reported in Southeast Alaska is the subdistrict level. Taiya inlet is part of subdistrict 115-34, which includes waters of Lynn Canal north of the latitude of Seduction Point, as well as Taiya Inlet (Figure 6). Taiya Inlet comprises less than half of the total surface area in 115-34.
- Because of the limited suitable habitat for king crab in Taiya Inlet, we estimate that most of the commercial catch reported from 115-34 originated from waters outside Taiya Inlet.
- Commercial Tanner and king crab effort and catch in this area (115-34) declined from the early 1980s. In this decade there has been very little commercial harvest of king crab recorded from this area and Tanner crab harvests have averaged less than 8,000 pounds..
- The department has not assessed the abundance of Tanner and king crab in this area.

DEPARTMENT COMMENTS:

- The department is neutral on this allocative proposal.
- This proposal asks for closures of all shellfish, including shrimp and Dungeness; however, shrimp and Dungeness proposals are not being considered in this 1998/99 cycle.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 336, (PAGE 257-258) 5 AAC 34.127(3)(a). KING CRAB POT STORAGE REQUIREMENTS FOR REGISTRATION AREA A and 5 AAC 35.127(a)(3)(A). TANNER CRAB GEAR STORAGE REQUIREMENTS FOR REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? Remove the restrictions on storing pots in the water within 500 yards of a salmon stream, and lower the minimum distance of stored pots to a community from 10 to 3 miles.

WHAT ARE THE CURRENT REGULATIONS? During the 10 days prior to a commercial opening in Area A, king and Tanner crab pots can only be stored in the water if they are not within 500 yards of an anadromous fish stream, not within 10 miles of a community, and not deeper than 10 fathoms.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? Pots could be stored closer to communities (but no closer than 3 miles), and there would be no restrictions near salmon streams.

BACKGROUND: This regulation has been in effect for Southeast Alaska since 1986.

DEPARTMENT COMMENTS:

- The department does not object to removing the prohibition on storage within 500 yards of anadromous fish streams because there are not likely to be conflicts with salmon at stream mouths in the 10 days prior to the fall and winter periods when the king and Tanner crab fisheries open.
- The department does not take a position with regard to distance to communities, as this is in part a safety issue for vessel traffic and an allocative issue given that vessels have various pot carrying capacities.
- The original proposal and the current proposal were both made by the Petersburg Vessel Owner's Association and reflect concerns of the industry.
- This regulation only affects the 10-day period prior to a commercial king or Tanner crab opening.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 337, (PAGE 258) 5 AAC 34.170 (a) (c) FISHING SEASONS FOR REGISTRATION AREA D.

WHAT WILL THE PROPOSAL DO? This proposal will establish the red or blue king crab fishery in the Yakutat Area as noon, October 24 through December 31.

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide for a red or blue king crab season from noon, November 15 through January 24. The golden king crab fishery is opened by emergency order. The current Tanner crab season is noon, January 15 through March 31.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this regulation will provide for a distinct 15-day separation between the king and Tanner seasons in the Yakutat Area. This will allow vessels participating in the king crab fishery and that intend to participate in the Tanner crab fishery to comply with recently implemented regulations on operation of other gear 14 days prior to a season (5AAC 35.183).

BACKGROUND: Recent effort and harvest from the Yakutat Area king crab fishery has been low, but consistent since the 1993/94 season. An average of 3 vessels have participated for an average harvest of about 4,000 pounds. Effort and harvests in the Yakutat Area Tanner crab fishery has been declining for the past five seasons.

DEPARTMENT COMMENTS: The department supports adoption of this proposal. It will provide for a more orderly transition from the king crab fishery to the Tanner crab fishery.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 357, (PAGE 276) 5 AAC 34.033. TENDERS FOR KING CRAB and 5 AAC 35.033. TENDERS FOR TANNER CRAB.

WHAT WILL THE PROPOSAL DO? This proposal would allow a vessel registered as a king crab or Tanner crab tender to have on board and transport crab pots, before and after a commercial king or Tanner crab season. This proposal would also allow a tender to have king and Tanner crabs on board while carrying pots.

WHAT ARE THE CURRENT REGULATIONS? A vessel used to tender king or Tanner crabs cannot have crab gear or equipment on board. A vessel used to tender king or Tanner crabs is also prohibited from being used to take king or Tanner crabs.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels not registered as fishing vessels, some of which could have live king or Tanner crabs on board, would be permitted to have crab pots and gear on board before and after a commercial king or Tanner crab season.

BACKGROUND: Vessels used to tender king or Tanner crabs are not allowed to carry crab pots or crab hauling and or retrieving equipment. Preventing vessels which are not registered to harvest king or Tanner crabs from carrying crab pots simplifies enforcement of vessel registration and closed waters fishing regulations. Immediately upon placing king or Tanner crabs on a tender a fish ticket must be issued. At that point tendering vessels are not bound by delivery requirements that restrict registered catcher vessels. The Board of Fisheries has set aside in-water pot storage areas which allow smaller vessels, which cannot carry their full compliment of pots in one trip, to stage fishing gear in areas near the fishing grounds prior to the season.

DEPARTMENT COMMENTS:

- The department is opposed to this proposal because it would allow a vessel registered as a crab tender to carry fishing gear prior to and after the season while in possession of live crabs.
- In-water storage areas provide smaller vessels a sufficient means to position their full compliment of fishing gear near the fishing grounds.
- Additional comments should be solicited from the Department of Public Safety on potential enforcement problems associated with this proposal.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 358, (PAGE 276) 5 AAC 35.033. TENDERS FOR TANNER CRAB.

WHAT WILL THE PROPOSAL DO? This proposal would allow a vessel registered as a Tanner crab tender to have on board and transport crab pots, before and after a commercial Tanner crab season. This proposal would also allow a tender to have Tanner crabs on board while carrying pots.

WHAT ARE THE CURRENT REGULATIONS? A vessel used to tender Tanner crabs cannot have crab gear or equipment on board. A vessel used to tender Tanner crabs is also prohibited from being used to take Tanner crabs.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels not registered as fishing vessels, some of which could have live Tanner crabs on board, would be permitted to have crab pots and gear on board before and after a commercial Tanner crab season.

BACKGROUND: Vessels used to tender Tanner crabs are not allowed to carry crab pots or crab hauling and or retrieving equipment. Preventing vessels which are not registered to harvest Tanner crabs from carrying crab pots simplifies enforcement of vessel registration and closed waters fishing regulations. Immediately upon placing Tanner crabs on a tender a fish ticket must be issued. At that point tendering vessels are not bound by delivery requirements that restrict registered catcher vessels. The Board of Fisheries has set aside in-water pot storage areas which allow smaller vessels, which cannot carry their full compliment of pots in one trip, to stage fishing gear in areas near the fishing grounds prior to the season.

DEPARTMENT COMMENTS:

- The department is opposed to this proposal because it would allow a vessel registered as a crab tender to carry fishing gear prior to and after the season while in possession of live crabs.
- In-water storage areas provide smaller vessels a sufficient means to position their full compliment of fishing gear near the fishing grounds.
- Additional comments should be solicited from the Department of Public Safety on potential enforcement problems associated with this proposal.

COST STATEMENT: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

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